

GOA STATE INFORMATION COMMISSION AT PANAJI
Seventh Floor, Kamat Towers, Patto, Panaji –Goa.

Shri. Prashant S. P. Tendolkar,
State Chief Information Commissioner.

Appeal No.43/SCIC/2016

Shri Amresh V. Naik,
H.No.28,Belwada Poriem,
Sattari,Goa 403 505

... Appellant

v/s

1. First Appellate Authority,
Office of Deputy Collector,
Bicholim, Goa
Pin code:403504

2. Public information officer,
Office of Mamlatdar,
Valpoi,Goa
Pin Code: 403506

... Respondent(s)/ Opponents

Filed On: 10/03/2016
Disposed on: 25/08/2016

1. FACTS:

a) The appellant by his application dated 27/07/2015 filed under section 6(1) of the Right to Information Act 2005(act) seeking certified copies of survey plan and land records index of survey numbers 110/1,110/2,110/3 and 128/1 of village Poriem, Sattari.

b) The said application was replied by the PIO by way of sending a copy of letter dated 28/08/2015 addressed by it to the director of Settlement and Land Records,(DSLRL) Panaji under section 6(3) of the Act as the said information was held by DSLRL. Considering this letter as rejection, the appellant preferred appeal to First Appellate Authority(FAA).

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c) Said appeal filed against said rejection by PIO was also dismissed by the (FAA) and the appellant thus approaches this Commission by way of this second appeal u/s 19(3) of the act.

d) Notices were issued pursuant to which parties appeared. The PIO filed reply interalia submitting that, as the information was as sought was held by DSLR, the same was forwarded to the said authority in exercise of powers under section 6(3) of the Act

e) Arguments were heard on behalf of both the parties.

2) FINDINGS:

a) I have perused the records and also considered the arguments In the course of the arguments the appellant admitted that pursuant to transfer of his application to DSLR by the respondent PIO, the DSLR has furnished him the required information. According to him as a PIO of the office of Mamlatdar it was incumbent on him to furnish the information and hence the PIO should be directed to furnish the information.

b) I am unable to reconcile my self with this submission of the appellant. The survey records pertaining to which the information was sought are prepared under the provisions of the Goa Land Revenue code 1968 and the authority prescribed for the purpose of preparation and retention of the record is the DSLR. The office of Mamlatdar is not conferred with any powers to prepare and/or retain any such records under the said code . being so the PIO from the office of mamlatdar Sattari was justified in transferring the said request to DSLR in exercise of section 6(3) of the Act.

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c) Besides this the appellant, admittedly having received said information from DSNLR also substantiate that the same was held by it and the appellant cannot re agitate the same requirement of in this appeal.

d) In the aforesaid circumstances I find that there was no refusal on the part of PIO to respond to the application of the appellant and he has promptly responded the appellant's application under section 6 (1) of the Act. I also do not find any perversity or illegality in the order of the FAA. I therefore find no merits in the present appeal and hence I dispose the same with the order as under.

O R D E R

The appeal is dismissed.

Order to be communicated free of cost.

Proceeding closed.

Sd/-
(Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa